

RECEIVED
SDNY PRO SE OFFICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

2022 FEB 15 AM 11:50

DAVID K. PORATH

CV

Write the full name of each plaintiff.

(Include case number if one has been assigned)

-against-

COMPLAINT

(Prisoner)

Do you want a jury trial?

☒ Yes ☐ No

CITY OF NEW YORK

DIRECTOR, DEPARTMENT HOMELESS SERVICES

DIRECTOR BELLEVUE SHELTER SYSTEM

N.Y.S. PAROLE OFFICER AKANEME

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☐ Violation of my federal constitutional rights

☒ Other: DEFAMATION OF CHARACTER, SLANDER, FALSE ACCUSATIONS

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

<u>David</u>	<u>K.</u>	<u>Porath</u>
First Name	Middle Initial	Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

N.Y.S. DEPT CORRECTIONS latest ID# 11-A-0120
 Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

RIKERS ISLAND Booking # 241210 2498
 Current Place of Detention

16-06 Hazen ST West Facility
 Institutional Address

<u>EAST EMMANUEL</u>	<u>N.J.</u>	<u>11370</u>
County, City	State	Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced prisoner

☒ Other: Parole Violation Detainer

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

CITY OF NEW YORK
 First Name Last Name Shield #

Current Job Title (or other identifying information)

Current Work Address

County, City State Zip Code

Defendant 2:

First Name Last Name Shield #

Commissioner?
 Director: Homeless Services City of New York

Current Job Title (or other identifying information)

Current Work Address

County, City State Zip Code

Defendant 3:

First Name Last Name Shield #

Director Bellevue Shelter N.Y.C.

Current Job Title (or other identifying information)

400 E. 30th St NY NY

Current Work Address

County, City State Zip Code

Defendant 4:

First Name Last Name Shield #

Police officer AKANEME

Current Job Title (or other identifying information)

P2 Lincoln Ave

Current Work Address

BRONX NY

County, City State Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: Bellevue Shelter 400 E. 30th St NY NY
Parole Office 82 Lincoln Ave Bronx NY

Date(s) of occurrence: Nov-Dec 2019
(3 TO 5 TIMES) APRIL-MAY 2020 / SEPT-OCT 2020 / Jan-Feb 2021
OP September 2020 OP September 2021

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary. I am a parolee, who did time for burglary, and have never had any type of crime or allegation of any sort, of any nature, placed upon me for a sex offense, my Parole officer Akaneme, directed ^{me} on numerous occasions to go to Bellevue Shelter system, each and every time i went there, "intake" told me i had to go to Scherwits Island, and i could not stay at Bellevue because i am a sex offender, each time i explained to Bellevue and explained to them and made diligent efforts by showing intake my Parole Papers NO GOOD i was still directed to Scherwits Island because im a alleged sex offender" I went to Parole officer Akaneme numerous times with this and tried explaining this issue he did not believe me nor did he look into it as late as SEPT 20TH, 21ST, further multiplying this complaint. Had the Parole officer went to Bellevue other ^{than} to check if i was there, This issue would have been resolved with out any court proceedings I further state that computer Records will not lie, and the legal aid Society was able to confirm Bellevue had me listed as a sex offender Parole and Bellevue have refused to correct this grave and harmful error, so as a result I have

Refused to go Somewhere under the Pretense of Being a Sex offender, as Parole has directed me to do further Adding to the complexity of this complaint.

What is clear is that this complaint will Prove that Bellevue ~~HAS~~ and/or had me down as a known Sex offender creating a gross negligent error, further multiplied when Parole did nothing to correct this Records, dates, computer Records, and court hearings will not Lie...

INJURIES: I state this complaint true under Penalty of Perjury

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Mental anguish. Pain suffering. defamation of character Slander, and physical suffering of being (incarcerated) due to Refusing to adhere to go Bellevue under the Pretense of a Sex offender. as Parole directed

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

250,000.00 for defamation of character

250,000.00 for Pain and suffering

250,000.00 for slander

TOTAL ** Seven hundred and Fifty thousand dollars **

for the courts to direct i be assigned different Parole to avoid any type of Retaliation where they are known to act in a Primitive and barbaric manner and any other Relief the court may deem just and Proper...

I Further Request Judicial intention in this matter

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

February 10th, 2022
 Dated David K Porath
 First Name Middle Initial Last Name
1606 Hazen St West Facility
 Prison Address
East Elmhurst NY 11370
 County, City State Zip Code

Date on which I am delivering this complaint to prison authorities for mailing:

Saturday
February 12th

To: CLERK OF COURT

February 10th, 2022

J. MICHAEL McMAHON

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

Daniel Patrick Moynihan United States Courthouse

500 Pearl Street Room 230

NEW YORK, NEW YORK 10007

From DAVID K. PORATH 241 210 2478
16-06 HAZEN ST West Facility
East Elmhurst N.Y 11370

SIR,

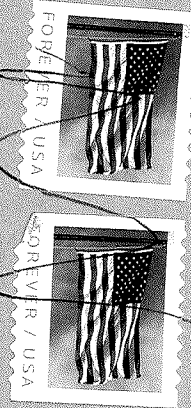
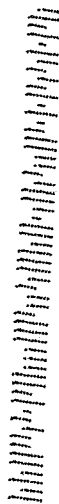
Enclosed is my complaint.
Can the court please notify me if
I have Filed Improperly or failed to
State a cause of action, or other
wise Improperly Filed...

Thank you kindly

Respectfully

David Porath

DAVID PORTH 2412102498
16-06 ALZEN ST WATSA 11143
EAST ELIMKIST NJ 11870



RECEIVED
SDNY PEO SE OFFICE
2022 FEB 13 AM 11:04

PROSE OFFICE)
TO: UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DAVID PATRICK MOWITHIN UNITED STATES COURTHOUSE
500 PEARL STREET ROOM 230
NEW YORK NEW YORK

10007

LEGAL MAIL

MAILED 2/10/22